

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--|---|--------------------------------|
| CRAIG WILLIAMS | : | CIVIL ACTION NO. 1:23-cv-00037 |
| <i>Plaintiff,</i> | : | |
| | : | |
| v. | : | |
| | : | |
| LAUREL R. HARRY, Secretary of | : | JURY TRIAL DEMANDED |
| Corrections; and REV. ULRICH KLEMM, | : | |
| Administrator for Religion and Volunteer | : | |
| Services | : | |
| <i>Defendants.</i> | : | |

AMENDED COMPLAINT

Plaintiff Craig Williams is a Salafi Muslim, a branch of Sunni Islam whose adherents seek to emulate as closely as possible the early Muslim generations or “pious predecessors” in their system of belief, acts of worship, and daily interactions. As such, it is particularly important to Mr. Williams that he celebrate Islam’s two most important holidays, Eid al-Fitr and Eid al-Adha, in a manner consistent with the teachings of the Quran and traditional Islamic practice. Mr. Williams was able to do so until, effective January 1, 2023, Defendants abruptly terminated a policy that included a decades’ long accommodation allowing individuals to purchase foods for religious ceremonial meals. In denying Mr. Williams access to religiously appropriate foods for these two sacred holidays, Defendants are forcing Mr. Williams to relinquish his religious practices, placing a substantial burden on Mr. Williams’ religious exercise, and causing him significant distress. Mr. Williams brings this action pursuant to 42 U.S.C. § 1983 for violations of his rights under the First Amendment of the United States Constitution and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc-1.

JURISDICTION AND VENUE

1. Plaintiff brings this action pursuant to 42 U.S.C. §1983, 28 U.S.C. §§ 2201 and 2202, and Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc-1.

2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3) over the constitutional claims, as well as those arising under 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc-1.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to this action occurred in Erie County, Pennsylvania, within the Western District of Pennsylvania.

PARTIES

4. Plaintiff Craig Williams is an adult individual currently incarcerated at the State Correctional Institute at Albion (“SCI-Albion”).

5. Defendant Laurel R. Harry is Secretary of the Pennsylvania Department of Corrections (“DOC”). She is responsible for the oversight, operation, and administration of the Commonwealth’s correctional system, including the implementation of training and policies regarding religious accommodations and food services. She is sued in her individual and official capacities.

6. Defendant Reverend Ulrich Klemm is the Administrator for Religion and Volunteer Services of the DOC. He is responsible for formulating and overseeing the implementation of statewide policies regarding religious practices, as well as supervising religious programming for the DOC. He also heads the DOC’s Religious Accommodation Review

Committee, which makes decisions regarding religious accommodation requests by incarcerated people, including those for ceremonial meals. He is sued in his individual and official capacities.

7. All Defendants were acting under color of state law at all relevant times.

FACTS

Mr. Williams' Religious Beliefs

8. Mr. Williams is a Salafi Muslim, a religion he has practiced since 2013.

9. Salafi Muslims practice Islamic Monotheism, worshipping Allah alone without associating any partners with Him, and looking to the lived example of the earliest generations of Muslims for their religious precepts.

10. Mr. Williams strictly offers five prayers daily, as required by his religion, and frequently performs additional voluntary prayers during the night and day.

11. Mr. Williams' religious beliefs include certain dietary restrictions, including forgoing the consumption of meat unless that meat is halal.

12. In order to be considered halal, meaning lawful or permitted, meat must be from a permissible animal¹ and that animal must be slaughtered in an appropriate ritual manner.

13. Once a year, during the ninth month of the Islamic lunar calendar, Muslims participate in Ramadan, a month-long period of fasting and prayer.

14. This currently falls in March and April of the Gregorian calendar.

15. At the end of Ramadan, Muslims celebrate Eid al-Fitr, the feast of breaking the fast.

16. Celebrations of Eid al-Fitr traditionally include communal prayers, charitable

¹ Mr. Williams' religious beliefs forbid him to eat swine and certain beasts and birds of prey that possess fangs or talons.

giving, and a communal, celebratory meal with specific foods of religious and cultural significance, including halal meat, rice, fresh vegetables, pita bread, juice and pie.

17. On the tenth day of Dhul-Hijjah, the month of pilgrimage to Mecca, Muslims celebrate Eid al-Adha, the feast of sacrifice, a remembrance of the sacrifice made by the Prophet Ibrahim. In the community, Eid al-Adha is a four day feast event.

18. This currently occurs in June or July of the Gregorian calendar.

19. Celebrations of Eid al-Adha traditionally include the sacrifice of a ritually acceptable animal, and subsequent sharing of meat among the religious community, including a charitable distribution to indigent Muslims, as well as the communal consumption of other religious and culturally significant foods.

20. Salafi Muslim religious teachings include a hierarchy of animals for sacrifice on Eid al-Adha. A camel or cow is the preferred sacrifice and the most religiously appropriate meat to consume on Eid al-Adha, followed by a sheep or goat.

21. The Sunna, the teachings and practices of the prophet Muhammad, require that meat slaughtered in the name of Allah, i.e., halal meat, be consumed as part of both Eid celebrations.

22. Mr. Williams' religious practice strictly follows the teachings of Allah and encompasses the belief that Allah ordained the two religious feasts of Eid al-Fitr and Eid al-Adha and no others.

23. According to his religious beliefs, celebrating the Muslim traditional feasts on the wrong day or in a manner inconsistent with the teachings of Allah, such as omitting halal meat or other traditional foods from the feast, is impermissible.

24. Mr. Williams' religious beliefs dictate that engaging in impermissible behavior contrary to the teachings of Allah burdens his relationship to Allah and affects his ability to have his prayers answered.

25. It is Mr. Williams' sincerely held religious belief that both Eid al-Fitr and Eid al-Adha must be celebrated with a communal meal that includes halal meat, fish, rice with eggs, sweet potato or bean pie, carrot cake, pita bread, salad, milk and juice.

26. Each of these foods bears religious and cultural significance to Mr. Williams and other Salafi Muslims.

27. A communal celebration of Eid al-Fitr and Eid al-Adha, with religiously significant food, adequate time to participate in fellowship with one's religious community, and the opportunity to charitably gift a share of optional menu items to indigent religious community members, is integral to Mr. Williams' religious beliefs.

Ceremonial Meals within the DOC

28. For over two decades, until January 1, 2023, the DOC accommodated incarcerated Muslims' celebration of Eid al-Adha and Eid al-Fitr through the provision of "ceremonial meals."

29. Through their ceremonial meal policy, the DOC provided faith groups that met certain criteria the opportunity to celebrate a religious holiday with a special communal meal.

30. A ceremonial meal consisted of a special meal consisting of foods not typically available via the DOC's weekly menu, supplemented by optional menu items paid for by the participants, and the provision of time and space in which to celebrate as a religious community.

31. For ceremonial meals in celebration of Eid al-Adha and Eid al-Fitr, the DOC typically supplied fish, a steamed vegetable, fried rice, a salad consisting of lettuce, tomatoes, onions and dressing, condiments, bread, milk, and juice, or similar foods.

32. Participants were then able to pay for optional menu items consisting of halal meat, sweet potato or bean pie, curry powder, and pita bread, or similar foods.

33. Eid al-Adha and Eid al-Fitr ceremonial meal participants typically made additional monetary contributions of a set amount in order to allow indigent meal participants to receive optional menu items.

34. Every year Defendant Klemm participated in meetings and issued memos to institutions throughout the DOC providing instructions for the provision of ceremonial meals in celebration of Eid al-Adha and Eid al-Fitr.

35. These memos were altered as needed to address any concerns raised by institutions with the procedures for these meals.

DOC Ceremonial Meal Policy Change

36. On February 24, 2022, former Acting Secretary of Corrections George Little issued a memo to all incarcerated people titled “Transition to Fellowship Meals” (hereinafter “Little Memo”). *See* Exhibit A.

37. The Little Memo advised incarcerated people that, effective January 1, 2023, the DOC intended to eliminate ceremonial meals and, in exchange, offer accommodations to faith groups of up to two “fellowship meals” per year.

38. Defendant Klemm was instrumental in proposing and advocating for the elimination of ceremonial meals, as well as assisting in drafting the Little Memo.

39. The DOC’s fellowship meal policy offers faith groups the option to select a meal from the DOC’s weekly food menu for consumption on the faith group’s religious holiday.

40. The Little Memo states that, unlike the DOC's ceremonial meal policy, the fellowship meal policy will not accommodate faith groups' purchase of optional menu items at their own expense.

41. The foods on the DOC's weekly menu do not reflect the customs, traditions, and religious beliefs of the Muslim community.

42. In particular, the DOC's weekly menu does not offer halal meat, pita bread, sweet potato or bean pie, curry powder, or other similar foods.

43. The Little Memo specifies that participants in fellowship meals may "engage in a period of thirty minutes of fellowship, provided communal gatherings are permitted at that time." Exhibit A.

44. Thirty minutes of fellowship time does not adequately accommodate the communal religious traditions of Eid al-Fitr and Eid al-Adha.

45. Defendants enacted these policy changes, eliminating crucial religious accommodations for people of many faiths, including Mr. Williams, despite a long history of allowing religious ceremonial meals under the previous policy without significant administrative or security issues.

Defendants' Implementation of Little Memo Changes

46. In 2023, Defendant Harry implemented the policy outlined in the Little Memo, eliminating ceremonial meals and the concomitant ability of faith groups to purchase optional menu items and participate in a religious holiday meal with a menu specific to their religious beliefs.

47. On February 6, 2023, Kelly Evans, Deputy Secretary for Reentry, issued a memo to DOC superintendents titled 2023 Muslim Holy Days: Ramadan, Eid Prayer and Fellowship Meal (“2023 Eid Memo”). *See* Exhibit B.

48. Defendant Klemm was responsible for the drafting and implementation of the 2023 Eid Memo.

49. The 2023 Eid Memo provided the incarcerated Muslim population with the option to purchase pitted dates, a traditional food for Ramadan, only if dates were available on the commissary list at an incarcerated person’s institution.

50. With the exception of pitted dates, the 2023 Eid Memo does not detail any specific, religiously significant foods that the DOC intended to make available to Ramadan and Eid participants.

51. The 2023 Eid Memo does not offer incarcerated people the opportunity to purchase any optional menu items.

52. The 2023 Eid Memo specifies that Eid al-Fitr may be celebrated with a fellowship meal consistent with the terms of the Little Memo.

53. On February 15, 2023, Kelly Evans issued a memo to DOC superintendents titled 2023 Jewish Holy Day Memo: Passover (“2023 Passover Memo”). *See* Exhibit C.

54. Defendant Klemm was responsible for the drafting and implementation of the 2023 Passover Memo.

55. The 2023 Passover Memo provided the incarcerated Jewish population with the option to purchase Kosher for Passover Matzah via a procedure that mimicked the procedure previously used by incarcerated people to purchase optional menu items for ceremonial meals.

56. The 2023 Passover Memo detailed certain foods specific to the Passover holiday that the DOC intended to provide to Passover participants, including Kosher for Passover Matzah, fresh fruit and raw vegetables, hard-cooked eggs, Kosher for Passover cottage cheese, grape juice and Haroset.

57. Many of the food items detailed in the 2023 Passover Memo are not available on the weekly food menu from which faith groups are to select their fellowship meal, as dictated by the Little Memo.

58. Defendants' elimination of ceremonial meals in favor of fellowship meals places a substantial burden on Mr. Williams' religious beliefs by forcing him to either forgo celebration of Eid al-Fitr and Eid al-Adha altogether, or to celebrate those holidays in a manner that forces him to supplant his religious beliefs with Defendants' flawed interpretation of Muslim beliefs and traditions.

59. The DOC receives federal funding.

CAUSES OF ACTION

Count I: Violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1 (against Defendants in their official capacity)

60. Plaintiff incorporates the allegations contained in each of the preceding paragraphs as if fully set forth herein.

61. By denying Mr. Williams a celebration of Eid al-Fitr and Eid al-Adha that accords with his religious beliefs, Defendants have imposed a substantial burden on Mr. Williams' religious beliefs as a Salafi Muslim in a manner that was not the least restrictive means to serve a compelling interest.

Count II: Deprivation of First Amendment Right to Free Exercise of Religion
(against Defendants in their official and individual capacities)

62. Plaintiff incorporates the allegations contained in each of the preceding paragraphs as if fully set forth herein.

63. By denying Mr. Williams celebrations of Eid al-Fitr and Eid al-Adha in accord with his religious beliefs, Defendants have inhibited his right to free exercise of religion for no legitimate penological purpose.

RELIEF DEMANDED

WHEREFORE, Plaintiff Craig Williams respectfully requests that the Court grant the following relief:

1. Declaratory judgment that Defendants, by denying Mr. Williams celebrations of Eid al-Fitr and Eid al-Adha in accordance with his religious beliefs, violated the First Amendment of the United States Constitution and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1;
2. Injunctive relief ordering Defendants to reinstate the DOC's ceremonial meal policy previously in effect prior to January 1, 2023 or otherwise fully accommodate Mr. Williams' religious beliefs relating to Eid al-Fitr and Eid al-Adha;
3. An award of compensatory damages against Defendants in favor of Mr. Williams in an amount to be determined by the finder of fact;
4. An award of punitive damages against Defendants in favor of Mr. Williams in an amount to be determined by the finder of fact;
5. Reasonable attorneys' fees and costs; and
6. Such other relief the Court deems just and equitable.

Respectfully submitted,

/s/ Evangeline Wright

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